

Transcript of the Testimony of

**Kimberly Calkins**

April 11, 2011

**Singley v. Aacres Landing, Inc., et al.**

No. C09-5443 RBL



**Byers and Anderson, Inc.**

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2       Q    So during the time period of Dana Singley's services  
3            being terminated, as I'm understanding the timeline, you  
4            were the regional director at that time?

5       A    At that time.

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14 Q Okay. Having seen Exhibit 23 and Exhibit 24, have you  
15 been able to recollect either of these incidents?

16 A Distantly.

17 Q Sure, I understand. It's been several years.

18 A Yeah.

19 Q From what you know about Dana's care during the period of  
20 late 2006, the first six months of 2007, were these  
21 incidents frequently recurring, these types of incidents,  
22 the ones encapsulated in Exhibit 23 and Exhibit 24?

23 A We could go back and look and see just -- without  
24 trusting on my memory. I believe they happened  
25 frequently, but we could also verify that with the

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1 incident reports.

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11 Q All right. The date on this incident was 1/17/07. It  
12 looks like this one is involving sort of a fight or a  
13 verbal exchange between Dana and her neighbor.

14 Is it your understanding that Dana and her neighbor  
15 would consistently have these verbal altercations?

16 A I seem to recollect a lot of verbal exchanges.

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14 Q Okay. Let's look at Exhibit 30.

15 Do you recognize this document?

16 A Yes.

17 Q And you submitted this document; is that right?

18 A Yes, I did.

19 Q And this is an incident report on 4/29/07?

20 A That's correct.

21 Q It looks like again we have an altercation between Dana  
22 and her neighbor.

23 A Yes.

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23       Q     Okay.  Let's get to Exhibit 31.

24                     Do you recognize this document?

25       A     Yes, I do.

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1 Q And this is an incident report submitted by Terri Moore  
2 on 6/13/07?

3 A Yes.

4 Q It looks like police were involved here.

5 A It would appear so.

6 Q Can you read for me the Administrative Response?

7 A "There were three staff on site when the incident  
8 occurred and all were attempting to coach the clients  
9 during the incident. Plans were followed and CRU was  
10 notified."

11 Q What's CRU stand for in that case?

12 A Complaint Resolution Unit.

13 Q Complaint -- what does that mean?

14 A That's a State agency.



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22 Do you recognize Exhibit 34?

23 A Yes.

24 Q And -- so let's talk about the antecedent. Can you read  
25 the antecedent there?

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1       A    "Aacres had given DDD a 72-hour emergency notice of  
2           circumstances endangering the health and safety of Dana  
3           and the need to terminate our residential supports to her  
4           as soon as possible. DDD informed us that they had made  
5           contact with DDD crisis services to inform them of the  
6           situation. Dana was also informed of this notice and was  
7           upset."

8       Q    Were you notified of the notice of -- of this 72-hour  
9           emergency notice of circumstances?

10      A    Yes, I was notified that we were giving it.

11      Q    Were you notified after it was given, or before? After  
12           it was given to Dana, I guess, or Dana and Judy, I  
13           suppose it would be?

14      A    I believe that I was notified -- I was notified before  
15           they had given it to Dana.

16      Q    Was this in a -- in what context were you notified?  
17           Meeting? Phone call?

18      A    The immediate details, I want to say that I talked with  
19           Sandi individually about it, and that she had told me.  
20           And actually, I think Rex had told me. Again, this was a  
21           while ago. I was told that we were giving it.

22      Q    Were you told what the nature of the circumstances  
23           endangering the health and safety of Dana, were you told  
24           what those were?

25      A    I believe -- they did not review everything with me.

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1           They were concerned about Dana accepting help and being  
2           able to work with us, in that she was refusing to accept  
3           services, accept coaching.

4           As you read farther down the incident report, she  
5           was being very verbally aggressive towards others,  
6           threatening to kill them, including myself, which would  
7           make it difficult for me to help her.

8       Q    Did she threaten you directly?

9       A    I wasn't there. She verbally told -- as it said, to the  
10           staff and people around her.

11      Q    So she never told you face-to-face that she was going to  
12           kill you?

13      A    At that time?

14      Q    Sure. At that time.

15      A    At that time.

16      Q    At any time? Has Dana ever told you that she was going  
17           to kill you, in person?

18      A    I believe that her quote was "Die in hell, bitch." At  
19           this time -- I mean, that's not the time she told me,  
20           but --

21      Q    Sure. So she was becoming more difficult. She was maybe  
22           not accepting the -- as you say, there were concerns that  
23           she was not accepting the help that was being provided.

24           So in your mind, what was it -- what was the nature  
25           of the incident that prompted the decision to terminate

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1           the services?

2                           MR. LA PORTE:  Objection.

3       Q    (By Mr. Carson)  You can answer.

4                           MR. BAUER:  Join.

5                           THE WITNESS:  I don't know if it was  
6       one incident or was becoming a pattern of her refusing to  
7       accept.

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6 Q (By Mr. Carson) How many times did you, roughly, have an  
7 opportunity to go to her home?

8 A I couldn't even tell you roughly how many times.

9 Q More than ten?

10 A Probably.

11 Q More than 20?

12 A You're talking about a long span of time. I've been  
13 there, I can tell you, probably -- definitely more than  
14 ten. Frequently, probably not, because Dana wouldn't  
15 allow me in.

16 Q So let's talk about just in the time period between --  
17 you know, all these exhibits we've been working with,  
18 from about midsummer of 2006 to July of '07.

19 Did you have any occasion to go to her home during  
20 that period?

21 A Oh, I'm sure that I did go to her home in that period.

22 Q And during that period, what was the condition of her  
23 home like?

24 A Very Dana.

25 Q Explain what you mean by that.

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1       A    Exactly where Dana wanted everything.  If I went through  
2           and made a suggestion about something, she said, "I told  
3           people not to move it.  I'll take care of it later."

4       Q    There's been some testimony that there was rotten food in  
5           her home.  Did you ever experience or see that?

6       A    I saw dirty dishes that she told me not to clean.

7       Q    There's also been testimony that there was vomit -- dried  
8           vomit in the home.  Did you ever have an occasion to see  
9           that?

10      A    I don't remember dry vomit.  Again, I go back to what  
11           Dana would allow or wouldn't allow.

12      Q    So staff -- allow me to just try to understand what  
13           you're saying.  They've got a responsibility -- staff  
14           have a responsibility to clean the house, but only to the  
15           extent that she allows?  Is that what I understand you to  
16           be saying?

17                               MR. LA PORTE:  Objection.

18                               You may answer.

19                               THE WITNESS:  To the extent that Dana  
20           would allow you to clean, staff would be prepared,  
21           including myself, to go and help her.  But when Dana  
22           looks at you and says, "Don't touch my dishes, don't mess  
23           with my stuff, I don't want you to do that, and if you  
24           do, I will do X, Y, Z," whatever it was, you're probably  
25           going to leave the dishes alone.